

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
SMOORENBURG, Guido F.

Application No.: 10/518,812

Confirmation No.: 3611

Filed: October 11, 2005

Art Unit: 3762

For: PARAMETRIC FITTING OF A COCHLEAR
IMPLANT

Examiner: HOLMES, Rex R.

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

Among the references listed on the attached PTO/SB/08 under Non-Patent Literature Documents is an English translation of an Austrian First Office Action for Austrian Official File No. 3B A 9165/2003-1, which is related to International Application No. PCT/AU03/000804 and U.S. Application No. 10/518,812. This document is being resubmitted to provide more complete citation information.

Also among the references listed on the attached PTO/SB/08 under Non-Patent Literature Documents is an Australian Examiner's First Report on Australian Patent Application No. 2005254100, which is related to U.S. Application No. 10/569,054.

Also among the references listed on the attached PTO/SB/08 under Non-Patent Literature Documents is an International Preliminary Examination Report for International Application No. PCT/AU03/000804, which is related to this application.

Also among the references listed on the attached PTO/SB/08 under Non-Patent Literature Documents are English translations of an International Preliminary Examination Report and International Search Report for International Application No. PCT/FR2003/000577, which is related to U.S. Patent Application No. 10/505,073.

Also among the references listed on the attached PTO/SB/08 under Non-Patent Literature Documents are an International Preliminary Report on Patentability, International Search Report, and Written Opinion for International Application No. PCT/US2005/021207, which is related to U.S. Patent Application No. 10/569,054.

Also among the references listed on the attached PTO/SB/08 under Non-Patent Literature Documents are an International Preliminary Examination Report and International Search Report for International Application No. PCT/AU01/01032, which were previously submitted in U.S. Patent Application No. 11/785,887, and accordingly are being made of record here.

Also among the references listed on the attached PTO/SB/08 under Non-Patent Literature Documents are an International Preliminary Examination Report and International Search Report

for International Application No. PCT/AU02/00500, which were previously submitted in U.S. Patent Application No. 11/785,887, and accordingly are being made of record here.

Applicant submits herewith an English language abstract of the French language reference WO 03/070322, in lieu of a translation or a statement of relevance of said foreign language document.

Also among the reference listed on the attached PTO/SB/08 under Non-Patent Literature Documents is an annex to a European Search Report for European Patent Application No. EP 01 95 9971 and a Supplementary Partial European Search Report for European Patent Application No. EP 02 71 7863. These document was previously submitted in U.S. Patent Application No. 11/785,887, and accordingly are being made of record here.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Credit Card in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0185, under Order No. 22409-00281-US.

Dated: March 17, 2010

Respectfully submitted,

Electronic signature: /Michael G. Verga/

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